

FORM BE-12(X)  
(REV. 12/2002)

U.S. DEPARTMENT OF COMMERCE  
BUREAU OF ECONOMIC ANALYSIS

BENCHMARK SURVEY  
OF FOREIGN DIRECT  
INVESTMENT IN THE  
UNITED STATES — 2002

CLAIM FOR EXEMPTION FROM FILING  
FORM BE-12(LF), BE-12(SF), OR BE-12 BANK

ELECTRONIC FILING

See our web site at [www.bea.gov/astar](http://www.bea.gov/astar) for details.

MAIL REPORTS TO

U.S. Department of Commerce  
Bureau of Economic Analysis, BE-49(A)  
Washington, DC 20230

DELIVER REPORTS TO

U.S. Department of Commerce  
Bureau of Economic Analysis, BE-49(A)  
Shipping and Receiving Section, M100  
1441 L Street, NW  
Washington, DC 20005

Public reporting burden for this claim for exemption is estimated to vary from 20 to 60 minutes per response, with an average of 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230, and to the Office of Management and Budget, Paperwork Reduction Project 0608-0042, Washington, DC 20503.

INSTRUCTIONS

**Response required** — Section 806.4 of 15 CFR, Chapter VIII, requires that all persons subject to the reporting requirements of the BE-12 Survey respond, whether or not they are contacted by BEA. It also requires that persons, or their agents, who are contacted by BEA about reporting in this survey, must respond in writing. They may respond by:

- certifying in writing, within 30 days of being contacted by BEA to the fact that the person had no direct investment within the purview of the reporting requirements of the BE-12 survey;
- completing and returning the Form BE-12(X) Claim for Exemption From Filing Form BE-12(LF), BE-12(SF), or BE-12 BANK within 30 days of receipt of BE-12 survey report forms; or
- filing the properly completed Form BE-12(LF), BE-12(SF) or BE-12 BANK by May 31, 2003, as required.

*If this claim for exemption is disallowed, the original due date of the BE-12 remains in force.*

See the **Instruction Booklet** for complete reporting requirements and definitions.

**U.S. AFFILIATE'S 2002 FISCAL YEAR** — The affiliate's financial reporting year that had an ending date in calendar year 2002.

**Assistance** — Telephone: (202) 606-5577; FAX: (202) 606-5319; E-mail: [be12/15@bea.gov](mailto:be12/15@bea.gov)

**NOTE** — 18 U.S.C. 1001 (Crimes and Criminal Procedure) makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

**PENALTIES** — Whoever fails to report shall be subject to a civil penalty of not less than \$2,500, and not more than \$25,000, and to injunctive relief commanding such person to comply, or both. Whoever willfully fails to report shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year, or both. See additional information on page 2 of this form.

BEA USE ONLY

Control number

**MANDATORY** — This survey is being conducted pursuant to the International Investment and Trade in Services Survey Act (P.L. 94-472, 22 U.S.C. 3101-3108, as amended – hereinafter "the Act"), and the filing of reports is mandatory.

**CONFIDENTIALITY** — The Act provides that your report to this Bureau is CONFIDENTIAL and may be used only for analytical or statistical purposes. Without your prior written permission, the information filed in your report CANNOT be presented in a manner that allows it to be individually identified. Your report CANNOT be used for purposes of taxation, investigation, or regulation. Copies retained in your files are immune from legal process.

IDENTIFICATION OF U.S. AFFILIATE

**A. Name and address of U.S. business enterprise for which this claim is filed** — If the enterprise received a prelabeled Form BE-12(LF), BE-12(SF), or BE-12 BANK, but is exempt from filing those forms, enter below the name, address, and BEA Identification Number from the label affixed to Part 1, item 1, of that form. If a prelabeled form was not received, enter full name and address.

Name of U.S. affiliate

10021

c/o (care of)

10101

Street or PO Box

10031

City and State

10041

ZIP Code

10051

OR

Foreign Postal Code

2

**B. Enter Employer Identification Number(s) used by the U.S. business enterprise to file income and payroll taxes.**

Primary

10061

Other

2

**BASIS OF CLAIM FOR EXEMPTION – Complete item 1 or item 2 (on back), whichever is applicable.**

100100100

Complete ALL items (1.a. through 1.h.) below

This U.S. business enterprise was a U.S. affiliate of a foreign person at the end of its fiscal year that ended in calendar year 2002, but is exempt from filing Form BE-12(LF), BE-12(SF), or BE-12 BANK because, on a fully consolidated, or in the case of real estate investments, an aggregated basis, each of the following three items for the U.S. affiliate (not the foreign parent's share) did not exceed \$10 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2002:

- Total assets (do not net out liabilities)
- Sales or gross operating revenues, excluding sales taxes, and
- Net income (loss) after provision for U.S. income taxes.

a. Total assets at close FY 2002— *Do not net out liabilities.*

2109

b. Sales or gross operating revenues for FY 2002, excluding sales taxes — *Do not give gross margin.*

1174

c. Net income (loss) for FY 2002, after provision for U.S. income taxes

2159

d. Country of foreign parent

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30161

e. Country of ultimate beneficial owner (UBO) — See **Instruction Booklet**, page 7, instruction II.Q., for definition of UBO.

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30221

f. Total liabilities

2114

g. Major activity of fully consolidated U.S. affiliate – Briefly describe the major product(s) and/or service(s) of the U.S. affiliate. If a product, also state what is done to it, i.e., whether it is mined, manufactured, sold at wholesale, transported, packaged, etc. (For example, "manufacture widgets to sell at wholesale.")

11631

h. Industry of this affiliate – Enter the 4-digit international surveys industry (ISI) code of the industry with the largest sales or gross operating revenues. For a full explanation of each code see the *Guide to Industry and Foreign Trade Classifications for International Surveys, 2002.*

1164

PERSON TO CONSULT CONCERNING QUESTIONS ABOUT THIS REPORT — Enter name and address

Name

10001

Address

TELEPHONE NUMBER

10011

Area code

2

Number

3

Extension

FAX NUMBER

4

Area code

5

Number

May we use e-mail to correspond with you to discuss questions relating to this Form BE-12(X), including questions that may contain information about your company that you may consider confidential? (Note that electronic mail is not inherently confidential; we will treat information we receive as confidential, but your e-mail is not necessarily secure against interception by a third party.)

10271

1

Yes — *If yes, please provide your e-mail address.* →

2

No

E-mail address

1

1028

CERTIFICATION — The undersigned official certifies that this report has been prepared in accordance with the applicable instructions, is complete, and is substantially accurate except that, in accordance with instruction III.G. on page 8 of the **Instruction Booklet**, estimates may have been provided.

Authorized official's signature

Date

Print or type name and title

Telephone number

FAX number

PLEASE CONTINUE ON REVERSE SIDE

2. This U.S. business enterprise is exempt from filing Form BE-12(LF), BE-12(SF), or BE-12 BANK because:

(a) 00110 1 This U.S. business enterprise was not a U.S. affiliate of a foreign person at any time during calendar year 2002 but had been a U.S. affiliate of a foreign person at some time between January 1, 1997 and the beginning of calendar year 2002.

Give date foreign ownership ceased or went below 10 percent.

	Month	Day	Year
7010	1		

(b) 00111 1 This U.S. business enterprise was not a U.S. affiliate of a foreign person at any time during calendar year 2002 and was not a U.S. affiliate of a foreign person at any time since January 1, 1997.

(c) 00112 1 This U.S. business enterprise was a U.S. affiliate of a foreign person during its fiscal year that ended in calendar year 2002 but is fully consolidated into the BE-12 report for another U.S. affiliate — Enter full name, address, and BEA Identification Number of the consolidated U.S. affiliate that is reporting to BEA:

	Name
00120	1

	Street or P.O. Box
00130	1

	City and State		ZIP Code
00140	1		00150 1

	BEA Identification Number
7011	1

(d) 00160 1 This U.S. business enterprise is exempt from filing because its owners are citizens of the United States who are resident abroad as a result of official employment by the U.S. Government (including the immediate family of such persons), or its owners have been and expect to be resident abroad for less than one year.

(e) 00170 1 This U.S. business enterprise was a U.S. affiliate of a foreign person at some time during calendar year 2002, but ceased to be a U.S. affiliate before the end of its fiscal year that ended in calendar year 2002.

Give date foreign ownership ceased or went below 10 percent.

	Month	Day	Year
7012	1		

(f) 00180 1 This U.S. business enterprise is a U.S. affiliate of a foreign person, but it became a U.S. affiliate after the end of the U.S. business enterprise’s fiscal year that ended in calendar year 2002, or if a newly formed company, its first fiscal year did not end until sometime in calendar year 2003. Complete items (1) and (2) below.

(1) Give date when the U.S. business enterprise became a U.S. affiliate of a foreign person,

	Month	Day	Year
7013	1		

Note that a Form BE-13 should have been filed to reflect the acquisition.  
Forms can be found at: **www.bea.gov/bea/surveys/fdiusurv.htm**

AND

(2) Give the ending date of the U.S. business enterprise’s fiscal year that ended in calendar year 2002, or if a newly formed company, give the ending date of its first fiscal year.

	Month	Day	Year
7014	1		

(g) 00190 1 Other – Specify and include reference to section of regulations or instructions on which claim is based.

7015 1

**Authority** — This survey is being conducted pursuant to the International Investment and Trade in Services Survey Act (P.L. 94–472, 90 Stat. 2059, 22 U.S.C. 3101–3108, as amended – hereinafter "the Act"), and the filing of reports is MANDATORY pursuant to Section 5(b)(2) of the Act (22 U.S.C. 3104).

**Penalties** — Whoever fails to report shall be subject to a civil penalty of not less than \$2,500, and not more than \$25,000, and to injunctive relief commanding such person to comply, or both. Whoever willfully fails to report shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violations, upon conviction, may be punished by a like fine, imprisonment or both (22 U.S.C. 3105).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.